

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroyuki ABE et al.

Application No.: 08/930,449

Filed: October 7, 1997



Group Art Unit: 2814

Examiner: S. Rao

Docket No.: JAO 39514

Election
#6

9-15-99

T. Flowers

For: HIGH ENERGY SUPPLY APPARATUS, METHOD OF
FORMING CRYSTALLINE FILM, AND METHOD OF
MANUFACTURING THIN-FILM ELECTRONIC DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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In response to the Restriction Requirement mailed August 17, 1999, Applicants hereby elect Group I: claims 1-11, 12-18, 20-23, 25-28, 30-33, 35-38, 40-43, 46-49 and 56-62. This election is made with traverse. The Office Action does not include claim 43 in Group I. However, Applicants respectfully submit that claim 43 should properly be included in Group I.

According to MPEP §803, there are two requirements that must be met before a proper restriction requirement may be made. These two requirements are: "inventions must be independent ... or distinct as claimed; and there must be a serious burden on the Examiner if restriction is not required...." Applicants respectfully submit that the Patent Office has not established the second requirement; i.e., that a serious burden would exist on the Patent Office if restriction were not required between Groups I and II. It is respectfully asserted that

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the search and examination of the entire application can be made without serious burden. For at least this reason, and to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office, it is respectfully requested that the restriction requirement be reconsidered and withdrawn.

Should the Examiner have any questions in this matter, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,



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